

Remarks

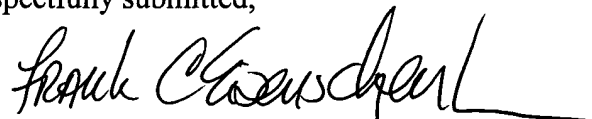
Claims 26-33 are pending in the subject application. By this Amendment, Applicants have presented new claims 34-91 and canceled claims 26-33. Support for the new claims can be found throughout the subject specification (see, for example, page 3, lines 21-25; page 5, lines 23-29; page 6, lines 3-6 and page 14, lines 12-15 of the as-filed specification) and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 34-91 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Claims 26-33 have been rejected under 35 U.S.C. § 101 on the basis that the claimed invention is not supported by a credible asserted utility or a well-established utility. Claims 26-33 have also been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Action indicates that the claims do not specifically contain any further method steps related to the actual administration of a chemotherapeutic agent. Applicant respectfully submits that the prior claimed invention did contain a recitation pertaining to the administration of a chemotherapeutic agent; however, in the interest of expediting prosecution in this matter, Applicant has amended the claims in this regard.

It appears that the Office Action has not maintained the rejections on the previous grounds of rejection articulated in the Office Action of October 7, 2005, thus Applicants have not reiterated the previously submitted arguments. However, should the Examiner have maintained the rejections as based upon the previously articulated grounds of rejection (*e.g.*, placement of an “intolerable burden on the patient” and the enablement arguments articulated in that Office Action), Applicants resubmit the arguments provided in the response of March 7, 2006 and respectfully request that the Examiner specifically explain why the arguments and evidence provided in that response are insufficient to overcome those rejections. As the amendments to the claims have rendered the issue articulated in the Office Action of June 1, 2006 moot, Applicant respectfully requests reconsideration and withdrawal of the rejections.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank C. Eisenschenk", with a long horizontal flourish extending to the right.

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